IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:13-CV-534-F

CATHERINE FOLEY,)	
)	
)	
Plaintiff,)	
)	
)	OPPER
V.)	ORDER
)	
REPUBLIC AIRLINE, INC., et al.,)	
)	
)	
)	
Defendants.)	

This matter is before the court on the Clerk of Court's Notice to Plaintiff of Failure to Make Service within 120 days of filing the Complaint [DE-19] in this matter. In the Notice, Plaintiff was specifically warned that pursuant to Rule 4(m), Plaintiff's claims against Defendants Midwest Airlines, Inc., and Midwest Express Airlines, Inc., would be dismissed without prejudice unless Plaintiff could demonstrate, within 14 days of receipt of the notice, good cause to the court why service was not made on these Defendants during the 120 days following the filing of the Complaint. Over a month has passed since the Clerk's issuance of the Notice, and the court has received no response from the Plaintiff.

Accordingly, Plaintiff's claims against Defendants Midwest Airlines, Inc., and Midwest Express Airlines, Inc., are DISMISSED without prejudice for failure to make timely service upon the Defendants in accordance with Rule 4(m) of the Federal Rules of Civil Procedure.

SO ORDERED.

This the ____ day of March, 2014.

James C. Fox Senior United States District Judge